

Congress of the United States
Washington, DC 20515

October 17, 2013

The Hon. Rand Beers
Acting Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

Dear Acting Secretary Beers:

Law enforcement officials and constituents in our districts have expressed concern over conflicting information the Department of Homeland Security (DHS) has disseminated regarding the Secure Communities program. This program has made local community members reluctant to cooperate with law enforcement, potentially compromising criminal investigations, and placing additional burdens on the already stretched resources of state and local law enforcement agencies (LEAs).

It is understood that once a DHS immigration detainer (Form I-247) is issued on an individual, an LEA is requested to hold the individual in their custody for up to 48 hours or until U.S. Immigration and Customs Enforcement (ICE) takes custody of them. It is clear to us that the I-247 is a request and not a requirement to the LEA. Should an LEA honor this request, this hold would continue even if the detained individual would have otherwise been released from local custody prior to ICE's intervention.

As you know, in *Jimenez Moreno vs. Napolitano* (No. 11-CV-05452), DHS argued that the I-247 does not "impose a requirement upon the LEA to detain the individual on ICE's behalf." Additionally, former ICE Assistant Director David Venturella stated in a letter dated September 27, 2010 to the County of Santa Clara, California, County Counsel Miguel Marquez that "ICE views an immigration detainer as a request" to an LEA.

Unfortunately, until recently the I-247 and other official sources contained conflicting information about the requirements imposed on LEAs by the Secure Communities program and DHS immigration detainers. Can you please direct us to an easily accessible online resource that clarifies that I-247 detainers are requests, imposing no requirements on LEAs, so we can share with people who are uncertain about the I-247 requirements and the parameters of the Secure Communities program? If DHS or ICE does not have that information posted in an easily accessible location online, we ask that you do so.

Thank you for your consideration, and we look forward to discussing this issue with you.

Sincerely,



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Member of Congress



ZOE LOFGREN
Member of Congress



KAREN BASS
Member of Congress



XAVIER BECERRA
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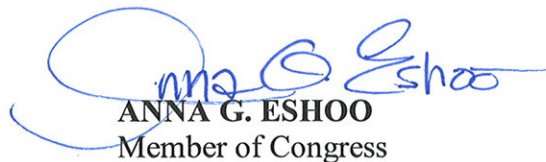
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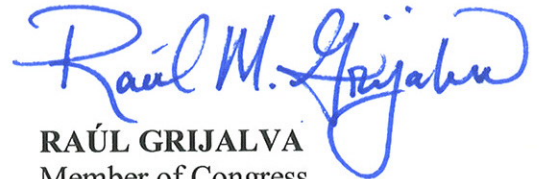
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